

### **REMARKS**

Claims 63-68 are added herein. Claims 1-68 now remain pending in the application, with claims 11-23, 34-46, 48 and 49 withdrawn from consideration because of a restriction issued by the Examiner.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

#### **Claims 1-6, 8, 24-29, 31, 47 and 50-62 over Matsuda**

In the Office Action, claims 1-6, 8, 24-29, 31, 47 and 50-62 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2002/0133573 to Matsuda et al. ("Matsuda") in view of U.S. Patent No. 6,351,771 to Craddock et al. ("Craddock"). The Applicants respectfully traverse the rejection.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 recite a system and method relying on intelligent messaging network servers that use a transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service **without relying on either a client and server.**

The Office Action alleged that Matsuda discloses use of a TCP/IP network, which is shown by an accompanying reference Transmission Control Protocol DARPA Internet Program Protocol Specification ("TCP-Spec"), Sept 1981 that discloses that a TCP network has the ability to provide ACK and NACK service on page 20 thereof.

TCP-Spec on page 20 fails to even mention ACK and NACK services of TCP. TCP-Spec does disclose an ACK service associated with TCP on various pages throughout. However, The Examiner is directed to page 1 under the section entitled "Introduction" that discloses that TCP is highly reliable host-to-host protocol in packet-switched computer communication networks. The Examiner is directed to TCP-Spec at page 4 under the section entitled

“Motivation” that discloses TCP provides for reliable inter-process communication between pairs of processes in host computers attached to distinct but interconnected computer communication networks. The Examiner is directed to TCP-Spec at page 4 under the section entitled “Reliability” that discloses a receiver sends an ACK to acknowledge receipt of data.

The Applicants are not disputing that TCP provides support for ACK and NACK. However, TCP conventionally relies on both a client and a server for implementation, i.e., a data recipient and a data source respectively to execute TCP and associated TCP services. Applicants’ claimed features relieve burdens conventionally associated with clients and servers executing TCP services by relying on intelligent messaging network servers that use a transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service without relying on either a client and server, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Thus, even taking Matsuda in view of TCP-Spec, Matsuda fails to disclose or suggest an intelligent messaging network server that uses a transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service without relying on either a client and server, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Accordingly, for at least all the above reasons, claims 1-6, 8, 24-29, 31, 47 and 50-62 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 7, 9, 10, 30, 32 and 33 over Matsuda in view of Craddock and Bell**

In the Office Action, claims 7, 9, 10, 30, 32 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Matsuda in view of Craddock, and further in view of U.S. Patent No. 6,044,081 to Bell et al. ("Bell"). The Applicants respectfully traverse the rejection.

Claims 7, 9, 10, 30, 32 and 33 are dependent on claims 1 and 24 respectively, and are allowable for at least the same reasons as claims 1 and 24.

Claims 7, 9, 10, 30, 32 and 33 recite a system and method relying on intelligent messaging network servers that use a transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service **without relying on either a client and server.**

As discussed above, Matsuda in view of TCP-Spec fails to disclose or suggest a system and method relying on intelligent messaging network servers that use a transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service **without relying on either a client and server,** as recited by claims 7, 9, 10, 30, 32 and 33.

The Office Action relies on Bell to allegedly make up for the deficiencies in Matsuda to arrive at the claimed features. The Applicants respectfully disagree.

Bell appears to disclose a system and method for communicating a private network signaling message over a packet network and bridges for communicating a MAC layer frame over an isochronous channel (See Bell, col. 1, lines 34-38). Moreover, an isochronous signaling frame can be communicated over a nonisochronous network (See Bell, col. 1, lines 39-40). Telephony protocols and computer network protocols are cross-translated for packet based signaling (See Bell, col. 8, lines 38-46).

Thus, Bell discloses use of a computer network protocol. However, Bell simply discloses cross-translating a conventional computer network protocol to a telephony protocol. Bell fails to disclose or suggest a system and method

relieving burdens conventionally associated with clients and servers executing TCP services, i.e., relying on intelligent messaging network servers that use a transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service **without relying on either a client and server**, as recited by claims 7, 9, 10, 30, 32 and 33

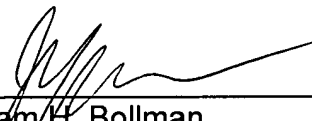
Thus, even if it were obvious to modify Matsuda with the disclosure of Bell, which it is not since the two disclosures are addressing completely different unrelated shortcomings within the art, the theoretical combination would still fail to disclose or suggest a system and method relying on intelligent messaging network servers that use a transport protocol that provides for at least one of message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service **without relying on either a client and server**, as recited by claims 7, 9, 10, 30, 32 and 33.

Accordingly, for at least all the above reasons, claims 7, 9, 10, 30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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